



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE PUBLISHED BY AUTHORITY

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AMARAVATI, WEDNESDAY, SEPTEMBER 16, 2020

G.226

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

DISTRICT EDUCATIONAL OFFICER, KURNOOL.

Procs. 1994/C10/2008.

Date : 09.09.2020.

Sri SHAIKSYAVALI, LANGUAGE PANDIT TELUGU (UNAUTHORIZED ABSENTEE) TO HIS DUTIES w.e.f. 01.04.2012- GROSS NEGLIGENCE TOWARDS HIS LEGITIMATE DUTIES - CONTINUOUSLY UNAUTHORIZEDLY ABSENT TO DUTIES FROM 01.04.2012 - REMOVED FROM SERVICE.

Read :1. Proceedings issued by this office vide Rc.No.1994/A8/09, Dt: 12-10-2009.
2. Proceedings issued by this office vide Rc.No.1994/A8/09, Dt: 16.12.2010.
3. Proceedings issued by this office vide Rc.No.2854/C 10/2010, Dt: 04.02.2011.
4. Proceedings issued by this office vide Rc.No. 1994/C 10/10-1, Dt: 03.09.2011.
5. Proceedings issued by this office vide Rc.No. 8417/C 10/2011, Dt: 23.09.2011.
6. Order copies of the Hon'ble APAT in OA.No.263 & batch Dt:27.12.2011.
7. Proceedings issued by this office vide Rc.No.8417/C 10/2011-1, Dt: 28-03-2012.
8. Proceedings issued by this office vide Rc.No.8417/C 10/2011-2, Dt: 28-03-2012.
9. Letter addressed to Post office vide Lr.Rc.No.8417/C 10/2011-1, Dt: 07.11.2013.
10. Proceedings issued by this office vide Rc.No. 1994/C 10/2008, Dt:17.11.2012 and 24.11.2012.
11. Proceedings issued by this office vide Rc.No.1994/C10/A3/2008, Dt: 04.02.2017
12. This office Letter vide Lr.Rc.No.1994/C10/A3/2008, Dated: 03.04.2018 and 25.09.2018.
13. This office letter vide Lr.Rc.No.1994/C 10/A3/2010, Dt: 05-03-2019
14. Proceedings of CSE Rc.No.2570/Estt.IV/2018, Dt: 25/04/2019.

15. This office Procs.Rc.No.1994/C10/A3/10, Dt: 15.05.2019.
16. This office Lr.Rc.No.1994/C10/A3/2010, Dt: 30-05-2019
17. Proceedings of CSE vide Rc.No.2570/Esst.IV/2018, Dt: 10-07-2019.
18. Proceedings of CSE vide Rc.No.2570/ESTT-IV/2018, Dt: 27.03.2020.
19. Proceedings of CSE vide Rc.No.13026/27/2018-EST3-CSE, Dt: 16.06.2020.
20. Show Cause Notice No.1994/C10/2008, Dt: 30.06.2020.
21. Written explanation-I Dt: 07.07.2020 of Sri Shaiksyavali, LP (Unauthorized absentee), Kurnool District.
22. Written explanation-II Dt: 13.07.2020 of Sri Shaiksyavali, LP (Unauthorized absentee), Kurnool District.
23. Written explanation -III Dt: 14.07.2020 of Sri Shaiksyavali, LP (Unauthorized absentee), Kurnool District.
24. Article of charges vide Procs.Rc.No. 1994/C 10/2008, Dt: 19.07.2020.
25. Representation submitted by Sri Shaiksyavali, LP (unauthorized Absentee), Dt: 02.08.2020 & 07.08.2020.

ORDER:

Sri Shaiksyavali while working as LP(Telugu), MPUPS, Kethavaram (V), Orvakal (M), Kurnool District was suspended from Service due to his misbehavior against the then District Educational Officer, Kurnool vide reference 1st read above. That vide reference 2nd read above, he was reinstated in to service and was given posting at ZPHS, Gulyam, Halaharvi (M), Kurnool District.

That as one vacancy arose at MPUPS, Kethavaram(V), Orvakal (M) Smt.G.Umadevi who was selected as LP-Telugu in DSC 2008 recruitment was given posting at said place and accordingly she given her joining report at MPUPS, Kethavaram(V), Orvakal(M) on Dt: 05-02-2011.

That challenging the proceedings dated: 16.12.2010 Sri. Shaiksyavali approached the Hon'ble APAT vide OA.No.263/2011 to continue him at MPUPS, Kethavaram while setting aside the proceedings dated 16.12.2010 and at the time of admission Hon'ble APAT suspended the proceedings dated 16.12.2010. When orders of the Hon'ble APAT were not implemented Sri Shaiksyavali filed CA.No.796 of 2011 in OA.No.263/2011. Accordingly, vide reference 4th read above, interim orders of the APAT were implemented by posting him at Smt.G. Umadevi place i.e. at MPUPS, Ketavaram and in turn vide reference 5th read above, Smt.G.Umadevi, LP- Telugu was posted at ZPHS,M.Agraharam(V) of Maddikera(M).

That subsequently, vide reference 6th read above, Hon'ble APAT dismissed OA.No.263/2011 and in pursuance of orders vide reference 7th read above, Sri.Shaiksyavali L.P. Telugu, who was continued at MPUPS, Kethavaram (V), Orvakal (M) on the interim orders was again posted to ZPHS, Gulyam, Halaharri(M), with immediate effect and vide reference 8th read above, Smt.G.Umadevi, L.P.Telugu was again posted at MPUPS, Kethavaram (V), Orvakal(M), Kurnool District.

Immediately, the Mandal Educational Officer, Orvakal informed to this office that vide Letter Rc. No. NIL dated: 30-03-2012, Sri. Shaiksyavali, has been relieved on 30-03-2012 by enabling him to join at ZPHS, Gulyam, Halaharvi(M) duly marking a copy of the same to Sri Shaiksyavali and also Headmaster, MPUPS, Kethavaram.

That as the relieving details mentioned by the M.E.O., Orvakal (M) were in the form of a letter addressed to the D.E.O., Kurnool but, not in the form of relieving orders as Proceedings, the then M.E.O., Orvakal has stated that these orders and D.E.O's Procs. Rc. No. 8417/C 10/11-1, Dated: 28.03.2012 were not received by Sri.Shaiksyavali on 30.3.2012 and since the individual refused to receive the relieving orders by hand, the same were sent by Speed Post to the individual bearing No. DRN 409335501 IN dt: 30.03.2012 to his residential address.

That Smt.G.Umadevi, L.P (Telugu) joined duty on 01-04-2012 at MPUPS, Kethavaram(V), Orvakal(M) and in view of her joining Sri.Shaiksyavali L.P.Telugu, who was working at MPUPS, kethavaram, Oravakal(M) was automatically deemed to have been relieved from his duties as on 01-04- 2012.

Whereas, Sri Shaiksyavali, LP-Telugu stated that, the relieving orders Dt: 30.03.2012 were not received by him from the Mandal Educational Officer, Orvakal. Hence vide reference 9th read above, this office requested the Post Master, Head Post Office, Kurnool to confirm the delivery status of Register Post DRN 409335501 IN Dt: 30.03.2012 sent to Sri Shaiksyavali. Accordingly, the Sub Post Master, Narasimha Rao Peta, Kurnool has confirmed on 30.11.2013, that the Register Post DRN 409335501 IN Dt: 30.03.2012 was delivered to Sri Shaiksyavali at his residential address on 02-04-2012.

That Sri Shaiksyavali, LP-Telugu in his representation Dt: 15-10-2012 requested this office to allot and issue posting orders at MPUPS, Kallapari(V), Kodumur(M) i.e., arising vacancy in the promotion counseling held on 11.10.2012. Accordingly, vide reference 10th read above, proceedings were issued by posting him to M.P.U.P. School, Kallapari (V) Kodumur (M). But, he did not join duty and submitted another representation to permit him to join at M.P.U.P. School, Kallapari (V) Kodumur (M) without reference to relieving orders.

That vide reference 11th read above, Sri. Shaiksyavali, LP- Telugu Pandit was instructed to join duty immediately at MPUPS Kallapari(V), Kodumur(M) pending disciplinary action against him. Even though, ample of opportunities were given to Sri.Shaiksyavali(LP Telugu) he has not reported to the duties on the pretext that the Mandal Educational Officer, Orvakal did not relieve him from the duty and requested to arrange for his relieving orders and permit him to join duty at MPUPS Kallapari(V), Kodumur(M) without reference to the relieving orders.

Regarding not issuance of relieving orders to Sri. Shaiksyavali, LP- Telugu vide reference 12th read above, a detailed report was submitted to the Regional Joint Director of School Education, Kadapa and after going through the report the Regional Joint Director of School Education, Kadapa has framed charges against the then Mandal Educational Officer, Orvakal(M) for taking necessary disciplinary action as per rules.

That vide reference 13th read above, a detailed report was also submitted to the O/o. Commissioner of school Education, A.P., Amaravathi on his request, to permit Sri Shaiksyavali, LP- Telugu, to join at MPUPS Kallapari(V), Kodumur(M) (now upgraded as high school) without insisting relieving orders or he may be posted to his original place i.e., MPUPS, Kethavaram (V), Orvakal(M) by replacing Smt. G.Umadevi, L.P.Telugu from MPUPS, Kethavaram(V),Orvakal (M) as per his request. That vide reference 14th read above, the Commissioner of School Education, A.P., Amaravathi has permitted the said Individual to join at MPUPS Kallapari (V), Kodumur(M) Kurnool District without insisting reliving orders immediately.

Accordingly, vide reference 15th read above, orders have been issued to Sri Shaiksyavali, LP- Telugu permitting him to join at MPUPS Kallapari (V) Kodumur (M) Kurnool District without insisting relieving orders with instructions to the Headmaster, ZPHS, Kallapari(V), Kodumur (M) to allow Sri Shaiksyavali, LP-Telugu to join at ZPHS Kallapari (V) Kodumur(M) in the existing clear vacant post of Language Pandit - Telugu at ZPHS Kallapari (V) Kodumur(M) without insisting relieving orders.

That inspite of issuance of orders as above, Sri.Shaiksyavali, LP Telugu (Unauthorized absentee) submitted another representation dated 18.05.2019 and 25.05.2019 to delete the word “INSISTING” in the proceedings dated 15.05.2019 and to issue fresh orders by permitting him to join at MPUPS Kallapari (V) Kodumur (M) now upgraded as ZPHS Kallapari without mentioning about relieving orders. Again, vide reference 16th read above, this office addressed the Commissioner of School Education, A.P., Amaravathi seeking necessary instructions in the matter. In turn, vide reference 17th read above, the Commissioner of School Education, A.P., Amaravathi had issued instructions to take necessary action as per rules.

That though, Sri Shaiksyavali was considered and given ample opportunities to join duties as Language Pandit Telugu at ZPHS, Kallaparri (V), Kodumur (M) without insisting relieving orders, he did not join the duties which, clearly appears that Sri Shaiksyavali is a willful disobedient towards his legitimate duties, avoided and evaded joining duties.

That vide reference 18th read above, the Commissioner of School Education, A.P., Amaravathi has issued instructions that inspite of giving ample opportunities to the individual, he did not report to the duties even after lapse of more than 08 years and hence, instructed the District Educational Officer, Kurnool to take necessary steps as per FR-18 & G.O.Ms.No.8 dated: 08-01-2004 by duly following the prescribed procedure.

That vide reference 19th read above, the Commissioner of School Education, A.P. Amaravathi has clearly stated that, Government vide G.O.Ms.No.127 Genaral Admn.(Services C) Dept, dated: 15-09- 2017 have issued amendment to APSCS (CC&A) Rules, 1991, Rule 9 as - “After Clause (ix) of Rule 9 of said rules the following shall be incorporated; Provided that a Government Servant shall be deemed to have been removed from service, if he/she: is absent from duty without authorization for a period of exceeding one year; or Remains absent from duty for a continuous period exceeding 5 years with or without leave. If they failed to report even after one year,take disciplinary action as per

G.O.Ms.No.127 General Admn.(Service C) Dept, Dated: 15-09-2017 and requested the District Educational Officers to take strict action accordingly. That as per APCS Rules 1964 Sub Rule 3(1) Every Government employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and a sense of propriety. (2) No Government employee shall behave in a manner which is unbecoming of such employee or derogatory to the prestige of Government. (3) No Government employee shall act in a manner which will place his official position under any kind of embarrassment.

That keeping in view of the above Rule position, vide reference 20th read above, this office issued a show cause notice to Sri. Shaiksyavali, Language Pandit-Telugu (unauthorized absentee) with instructions to show cause as to why he shall not be treated that he is deemed to have been removed from service for his deliberate and willful unauthorized absence to duties from 01-04-2012 F.N.to till to-date i.e; more than 08 years and called for his written explanation to submit within 15 days from the date of receipt of the Show Cause Notice.

In response to the said Show Cause Notice, Sri.Shaiksyavali, Language Pandit Telugu (unauthorized absentee) has submitted his written explanation in 3 parts vide ref.21,22 & 23rd read above without giving valid reasons for his Non-joining in duties despite of ample opportunities given to him by this office as well, office of the Commissioner of School Education, A.P., Amaravathi. Moreover, mentioned irrelevant, unnecessary matters which do not justify his willful unauthorized absenteeism and also non-joining. The version and the way of submitting reply to the Show Cause Notice as well, the correspondence made by him with the higher authorities he never followed the official decorum, etiquette and decency which are unbecoming of a Government Servant as per rules. Thus, Sri Shaiksyavali, LP(Telugu) (Unauthorized absentee), by his above mentioned act had exhibited lack of integrity, devotion to duty, conduct unbecoming of a Government Servant and thereby contravened rule 3 (1), (2) of APCS (Conduct) Rules 1964.

That due to his continues willful unauthorized absence to his duties from 01.04.2012 to till to date which is more than 8 years, Sri Shaiksyavali caused irreparable and unpardonable academic loss to the largest number of students for the years together and thereby clearly violated the section 24 & 29 of Right to Education Act -2009 which reads as Section 24: (1) A teacher appointed under sub-section (1) of section 23 shall perform the following duties, namely: (a) maintain regularity and punctuality in attending school; (b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29; (c) complete entire curriculum within the specified time; (d) assess the learning quality of each child and accordingly supplement additional instructions, if any, as required; (e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and (f) perform such other duties as may be prescribed. Section 29: (1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification. (2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration namely: (a) Conformity with the values enshrined in the Constitution; (b) All round development of the child; (c) Building up child's knowledge, potentiality and talent; (d) Development of physical and mental abilities to the fullest extent;

(e) Learning through activities, discovery and exploration in a child-friendly and child-centered manner; (f) Medium of instructions shall, as far as practicable, be in child's mother tongue; (g) Making the child free of fear, trauma and anxiety and helping the child to express views freely; (h) Comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same. Thus, Sri Shaiksyavali, LP(Telugu) (Unauthorized absentee), by his above mentioned act had exhibited and continued lack of integrity, devotion to duty, conduct unbecoming of a Government Servant and devoting grossly all the said stipulations in the RTE Act Sections 24 & 29 and thereby contravened rule 3 (1), (2) of APCS (Conduct) Rules 1964.

That his conduct exhibited lack of integrity, devotion to duty, conduct unbecoming of a Government Servant and thereby contravened Rule 3(1), (2) of APCS (Conduct) Rules 1964.

That vide ref no.24th read above, under Rule 20 of APCS (CCA) Rules 1991 necessary Article of Charges were framed against Sri Shaiksyavali, LP(Telugu) (Unauthorized absentee) and called for his written defense statement.

- i. That, Sri Shaiksyavali, Language Pandit - Telugu (unauthorized absentee to duties), Kurnool District is continuously willful unauthorized absent to his legitimate duties from 01-04- 2012 till to date and shown gross dereliction of duties whereby became unbecoming as a responsible public servant. His willful disobedience to the orders issued by the higher authorities allowing him to join duties as per Procs.Rc.No.8417/C10//2011-1, dt : 28-03-2012 at ZPHS, Gulyam(V), Halaharvi(M) and Procs.Rc.No 1994/C10/ 2008, dt: 17-11-2012 & 24-11-2012, Procg. Rc.No.1994/C10/A3/2008, dt: 04-02-2017 and Procg Rc.No.1994/C 10/A3/2010, dt: 15-05-2019 at MPUPS, Kallapari (V), Kodumur (M), clearly shows his willful avoiding and evading joining duties which attracts departmental proceedings under rule 20 of APCS(CC&A) Rules 1991. That his continues willful unauthorized absence to duties for such a longer period is willful misconduct on his part for which he is liable for disciplinary action in terms of G.O.Ms.No.127 GAD Dept., dt: 15.09.2017 as per which, "A Government Servant shall be deemed to have been removed from service, if he/she: (a) is absent from duty without authorization for a period exceeding one year or (b) remains absent from duty a continuous period exceeding more than 05 years with or without leave"
- ii. That, Sri Shaiksyavali, Language Pandit - Telugu (unauthorized absentee to duties), Kurnool District though given ample opportunity and considered for rejoining as LP(Telugu) and accordingly, posted as per his request letter dt: 15.10.2012 at MPUPS, Kallapari(V), Kodumur(M) vide Procs.Rc.No.1994/C 10/A3/2008, Dt.17.11.2012 and 24.11.2012 of the then District Educational Officer, Kurnool, he did not join duty on the pretext that, he wanted relieving orders at his previous station i.e., MPUPS, Kethavaram(V), Orvakal(M). In fact on joining of Smt. G.Umadevi as L.P. Telugu in his place at the said station he automatically stands deemed to have been relieved on the FN of 01.04.2012.

Again, in Proc's Rc.No.1994/C10/A3/2008, Dt.04.02.2017 of the District Educational Officer, Kurnool, orders have been issued to Sri Shaiksyavali, LP- Telugu to join at MPUPS, Kallapari(V), Kodumur(M). Even though, he did not join duties.

Sri Shaiksyavali, Language Pandit - Telugu (unauthorized absentee to duties) again issued proceedings vide this office Procs. Rc.No.1994/C10/A3/10, Dt. 15.05.2019 to join at MPUPS Kallapari (V) Kodumur (M) Kurnool District (now upgraded as ZPHS Kallapari) without insisting relieving orders duly given instructions to the Headmaster, ZPHS, Kallapari(V), Kodumur (M) to allow Sri Shaiksyavali, LP-Telugu to join at ZPHS Kallapari (V) Kodumur(M) in the existing clear vacancy of Language Pandit - Telugu at ZPHS Kallapari (V) Kodumur(M) without insisting relieving orders in view of the orders issued vide Procs. Rc.No.2570/Estd.IV/2018, Dt: 25/04/2019 of the Commissioner of School Education, A.P., Amaravathi. But, the said, Sri Shaiksyavali did not join duties. This is most deliberate, willful disobedience and also callous attitude towards the orders issued by the higher authorities and also his superiors. This is most unbecoming on his part as a responsible public servant.

- iii. That, Sri Shaiksyavali, Language Pandit - Telugu(unauthorized absentee), Kurnool District always sends unnecessary and unethical, meaningless, ruthless messages in social media like various whatsapp groups without minimum sense of common and minimum respect towards his higher authorities which denotes that he is completely and deliberately negligent towards his official position as a responsible public servant and he wontedly bombards by number of applications/representations with a malafied intention to derail the administration.

That Article of Charges were sent to the Individual with all the relevant enclosures thereof vide Registered Post No.CA 425089897 IN Dt: 25.07.2020, with instructions to submit his written statement of defense within 10 days.

That inspite of having knowledge about the Article of charges framed against him, Sri Shaiksyavali instead of submitting defense statement either by accepting or denying the charges, vide reference 25th read above again submitted representation that, he has not received the enclosures along with the Article of Charges, though individual is well informed to submit his written defense statement by 08.08.2020 failing which, necessary steps shall be taken as per rules basing on the available material in the office. In fact, all relevant enclosures were sent to him.

In the circumstances and grounds stated above, it is evident that Sri Shaiksyavali L.P. Telugu, is absent from duties willfully for a period exceeding more than 08 years. Accordingly, as per Rule 18(4) of F.R read with 9(ix) of APSCS (CCA) Rules,1991, which says "Every Government employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and a sense of propriety and keeping in view of deviating from Rule 3 (1, 2& 3) of A.P. Civil Services (conduct) Rules 1964 which says that "No Govt, employee shall behave in a manner which is unbecoming of such employee or derogatory to the prestige of Govt." The act and conduct of

Sri Shaiksyavali attracts disciplinary action as per AP Civil Services (CCA) Rules, 1991 as amended vide G.O.Ms.No.127 General Admn (Service C) Dept, dated: 15-09-2017. That after careful examination of the entire issue, the written explanations submitted by the said individual to the Show Cause Notices issued to him, it is found that, the explanations submitted by him are not convincing and do not justify his argument and also they are unsatisfactory. His non-responsiveness to submit his written defense statement to the article of charges framed against him i.e. neither admitting nor denying the charges within the given time clearly established that, there is no justification in his argument for insisting on the reliving orders at his previous station to join duties at his new station i.e., MPUPS, Kallapari(V), Kodumur(M) subsequently upgraded as ZPHS, Kallapari(V), Kodumur(M) despite, the Commissioner of School Education, A.P., Amaravathi permitted him to join duties without insisting reliving orders, this itself shows that, he is not at all a responsible Public Servant Governed under AP Civil Services (Conduct), Rules 1964.

Therefore, for the grounds and circumstances disclosed above the District Educational Officer, Kurnool being the appointing authority have decided that, Sri Shaiksyavali, L.P.(Telugu) (Unauthorized absentee) is deemed to have been removed from the service in accordance with the orders issued in the G.O.M.s.No.127, General Admn (services.C) Department, Dt: 15-09-2017 read above.

Now, therefore, the District Educational Officer, Kurnool after careful examination of the entire matter hereby impose the penalty of removal from service on Sri Shaiksyavali, LP(Telugu) for his un authorized absence for more than Eight years under Rule 9(ix) of Andhra Pradesh Civil Services (CCA) Rules 1991 as amended in G.O.M.s.No.127 General Admn (services.C) Department, Dt: 15-09-2017 read with Rule 18, Note (4) of F.R. duly treating the un- authorized absence period of the charged officer from 01.04.2012 onwards as “dies-non”.

M.SAIRAM,
*District Educational Officer,
Kurnool.*

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